

Draft Minutes

Nevada State Emergency Response Commission

Policy Committee

State Emergency Response Commission

2525 S. Carson Street

Carson City, Nevada

July 6, 2005

Members Present

Jim O'Brien via phone

Larry Farr

B. Jim Reagan

Richard Mirgon

Absent Members

Jolaine Johnson

Guests

Russel Peacock

Staff

Karen Kennard

Cheryl Folkers

Glade Myler

I. Call to Order

Jim O'Brien called the meeting to order at 9:00 a.m.

II. Introductions

Members, guests and staff introduced themselves as shown above.

III. Old Business

A. Approval of the April 14, 2005 meeting minutes

Richard Mirgon motioned to approve the minutes of the April 14, 2005 meeting. Larry Farr seconded the motion which was approved unanimously.

B. Discussion/Recommendation on developing a interim policy for clarification of Nevada Revised Statutes (NRS) 459.744 (3) regarding fees for "manufacture for transport", as expressed in the statute, of an extremely hazardous material

Karen Kennard, SERC, stated Ray Bacon, Nevada Manufacturer's Association, will be attending the meeting, however, he will be late and suggested we wait until he arrives to discuss this item.

IV. New Business

A. Discussion/Recommendation on SERC policy 8.3, "Certified Assurances and Compliance Certification, requiring LEPC to hold quarterly meetings

Mr. Mirgon stated since policy states the LEPCs are to hold four meetings per year, this would jeopardize grant funding for the LEPC if they were to miss a meeting due to an emergency situation. There was discussion on having LEPC meetings during an emergency situation. It was discussed the reason for the quarterly meetings was to keep the LEPCs working as an organization. There was also discussion to write into policy to allow the LEPC to miss only one meeting per year due to documented extenuating circumstances with the Executive Director's approval. Glade

Myler, Sr. Deputy Attorney General, advised the committee not to give the Executive Director the authority to approve the request for a missed meeting. Mr. Myler stated it could show favoritism toward a LEPC. Mr. Reagan stated the request could go to the Co-chairs through the Executive Director.

Mr. Myler agreed with this process. It was discussed to have the quarterly meetings scheduled during the first month of the quarter giving the LEPC two months to make up the missed meeting and to recommend this proposal to the LEPCs in the LEPC handbook. Mr. Reagan recommended staff draft language in the current policy under 8.3 Policy/Procedures, A.1., sub b, which is the section pertaining to the quarterly meetings. The Committee would like the LEPC to first try to make up the missed meeting. If the LEPC is unable to make up the meeting then the LEPC can request waiver for the missed meeting from the Co-chairs.

B. Discussion/Recommendation on definition of a meeting

Ms. Kennard brought up discussion if a meeting could be defined “a meeting” based on agenda posted and meeting being held without a quorum. There was discussion on what constitutes a quorum. Mr. Myler stated a quorum is defined as a majority of the voting members. Mr. Myler stated the definition of a meeting is in NRS 241.015 (2) which states “Meeting” means the gathering of the members of a public body at which a quorum is present to deliberate toward a decision or to take action on any matter over which the public body has supervision, control, jurisdiction or advisory power. Mr. Myler further stated a meeting is any series of gatherings of members of a public body at which is less than a quorum is present.

Mr. Mirgon recommended policy to state a meeting which is agendized, posted according to the open meeting laws and minutes taken constitutes a meeting.

C. Discussion/Recommendation on possible revision to SERC Policy 8.1, “Review of Annual Hazardous Materials Response Plan and Exercise Report Form”, requiring submission of minutes from the meeting in which the LEPC reviewed and approved the Hazardous Materials Emergency Response Plan

Ms. Kennard stated there is a bold line added to policy 8.1 which requires the LEPC to submit the minutes indicating the LEPC has reviewed and approved their plan. Mr. Reagan motioned to accept and recommend the additional language to SERC policy 8.1. Mr. Farr seconded the motion which was approved unanimously.

D. Discussion on appointing a working group of this committee to review all grant management policies

Ms. Kennard stated this issue was discussed at the last meeting.

Ms. Kennard stated there were approximately twelve grant management policies which should be reviewed for accuracy. It was discussed that the committee could review the policies rather than appointing a working group. Mr. Myler stated to keep correct with the open meeting law, to

have each member of the committee e-mail Ms. Kennard with any suggestions, then at the next meeting the committee can discuss the policies and suggestions as a whole. It was also stated to have the Chairs of each committee review the policies pertaining to their committee and meet with the Policy Committee with any suggestions or changes.

B. Discussion/Recommendation on developing a interim policy for clarification of Nevada Revised Statutes (NRS) 459.744 (3) regarding fees for “manufacture for transport”, as expressed in the statute, of an extremely hazardous material

This item was taken out of order. Mr. Bacon was unable to attend. Ms. Kennard stated she spoke with Mr. Bacon on this issue. After checking with several contacts, Mr. Bacon had no explanation of why this section was in NRS. It was suggested to recommend to the Legislative Committee to have this section removed from NRS.

Ms. Kennard stated this section may not apply now, but it could apply to future companies moving into Nevada. Ms. Kennard stated the fee of \$2,000 could be adjusted to zero in NAC. It was decided to leave NRS as is. Mr. Mirgon requested staff write a memo for the next SERC meeting explaining the decision to leave NRS as is.

IV. Public Comments

There was no public comment.

V. Adjournment

The meeting adjourned at 9:55 a.m.